

## IN THE SUPREME COURT OF THE STATE OF WASHINGTON

In re

Fiona A. Crinks Kennedy,  
 Lawyer (Bar No. 32385).

Supreme Court No. \_\_\_\_\_

ASSOCIATION'S PETITION  
 FOR INTERIM SUSPENSION  
 [ELC 7.2(a)(3)]

Under Rule 7.2(a)(3) of the Rules for Enforcement of Lawyer Conduct (ELC), the Washington State Bar Association (Association) petitions this Court for an Order of Interim Suspension of respondent lawyer Fiona A. Crinks Kennedy (Respondent) pending cooperation with the disciplinary investigation.

This Petition is based on the Declaration of Disciplinary Counsel Marsha Matsumoto, filed with this Petition.

**STATEMENT OF GROUNDS/ARGUMENT**

Respondent failed to respond to the Association's requests for information and records in three grievance investigations. After being served with subpoenas duces tecum issued by disciplinary counsel under ELC 5.3(f)(1), Respondent failed to appear at a non-cooperation deposition and failed to produce any records in response to the subpoenas.

It is necessary to obtain Respondent's response and records so the Association can determine whether Respondent violated the Rules of Professional Conduct (RPC) and/or the extent of the violations. By refusing

to respond to the Association's requests for information and by failing to appear for her deposition or produce records in response to the Association's subpoenas duces tecum, Respondent has impeded and delayed the disciplinary process. Accordingly, the Association asks this Court to order Respondent's immediate interim suspension pending compliance with the Association's grievance investigations.

### **STANDARD**

Under ELC 7.2(a)(3), a respondent lawyer may be immediately suspended from the practice of law when a lawyer fails without good cause to comply with a request from the Association for information or documents or fails without good cause to comply with a subpoena.<sup>1</sup> Respondent's failure to comply with the Association's requests for information and documents and failure to comply with the Association's subpoenas meets this standard.

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<sup>1</sup> ELC 7.2(a)(3) provides:

Failure to Cooperate with Investigation. When any lawyer fails without good cause to comply with a request under rule 5.3(f) for information or documents, or with a subpoena issued under rule 5.3(f), or fails to comply with disability proceedings as specified in rule 8.2(d), disciplinary counsel may petition the Court for an order suspending the lawyer pending compliance with the request or subpoena. If the lawyer complies with the request or subpoena, the lawyer may petition the Court to terminate the suspension on terms the Court deems appropriate.

## EFFECT OF RESPONDENT'S FAILURE TO COOPERATE

The lawyer discipline system provides "protection of the public and preservation of confidence in the legal system." In re Disciplinary Proceeding Against McMurray, 99 Wn.2d 920, 930, 655 P.2d 1352 (1983). Given the limited resources available to investigate allegations of lawyer misconduct, "such investigations depend upon the cooperation of attorneys." Id. at 931.

"Compliance with these rules is vital." In re Disciplinary Proceeding Against Clark, 99 Wn.2d 702, 707, 663 P.2d 1339 (1983). Because Respondent has not responded to the Association's requests for information and documents and because Respondent has not appeared for her deposition or produced records in response to the Association's subpoenas duces tecum, the Association has not been able to determine whether Respondent has violated the RPC and/or the extent of the violations. The Association's effective and timely investigation of the grievances and protection of the public has been impeded and delayed.

## CONCLUSION

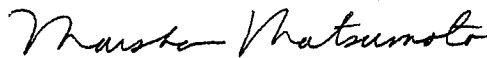
Respondent's failure to cooperate with a disciplinary investigation is an ongoing violation of ELC 5.3. Accordingly, the Association asks the Court to issue an order to show cause under ELC 7.2(b)(2) requiring Respondent to appear before the Court on such date as the Chief Justice may

set, and show cause why this petition for interim suspension should not be granted.

DATED THIS 6<sup>th</sup> day of March, 2009.

Respectfully submitted,

WASHINGTON STATE BAR ASSOCIATION



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Marsha Matsumoto, Bar No. 15831  
Senior Disciplinary Counsel  
1325 4<sup>th</sup> Avenue, Suite 600  
Seattle, WA 98101-2539  
(206) 727-8233

## IN THE SUPREME COURT OF THE STATE OF WASHINGTON

In re

Fiona A. Crinks Kennedy,  
Lawyer (Bar No. 32385).

Supreme Court No. \_\_\_\_\_

DISCIPLINARY COUNSEL  
DECLARATION

I, Marsha Matsumoto, declare and state:

1. I am the disciplinary counsel assigned to the disciplinary proceedings against respondent lawyer, Fiona A. Crinks Kennedy (Respondent). This statement is submitted in support of the Association's Petition for Interim Suspension [ELC 7.2(a)(3)].

**Trust Account Overdraft Grievance, WSBA File No. 07-01974**

2. On November 29, 2007, the Association opened a grievance against Respondent based on a trust account overdraft notice received from Wells Fargo regarding Respondent's trust account, ending in #1773.

3. On December 6, 2007, the Audit Manager sent Respondent a letter requesting an explanation of the overdraft and supporting documents within two weeks. Attached as Exhibit A are true and correct copies of the Audit Manager's December 6, 2007 letter and the overdraft notice.

4. Respondent did not respond to the Audit Manager's December 6, 2007 letter. Meanwhile, on December 24, 2007 and January 7,

2008, the Association received additional notices of overdrafts on Respondent's trust account.

5. On January 8, 2008, the Association sent Respondent a letter requiring her written explanation of the overdrafts within 10 days or the Association would subpoena her for a non-cooperation deposition. Attached as Exhibit B are true and correct copies of the Association's January 8, 2008 letter and the certified mail receipt.

6. Respondent did not respond to the Association's January 8, 2008 letter. Therefore, on January 28, 2008, the Association issued a subpoena duces tecum for Respondent's non-cooperation deposition. The Association arranged for personal service of the subpoena, but the process server was unable to locate Respondent in Washington. When the respondent cannot be found in Washington, ELC 4.1(b)(3)(B)(ii) authorizes service of a subpoena by certified mail.

7. On February 15, 2008, the Association issued another subpoena duces tecum for Respondent's non-cooperation deposition. The subpoena was served by certified and first class mail to Respondent's address of record in Washington. The subpoena set Respondent's deposition for March 4, 2008. Attached as Exhibit C are true and correct copies of the Association's February 15, 2008 letter, subpoena duces tecum, and the certified mail receipt.

8. On March 3, 2008, Respondent telephoned disciplinary counsel and indicated that she would be traveling from Idaho for her March 4, 2008 deposition.

9. On March 4, 2008, Respondent telephoned disciplinary counsel and indicated that she had overslept and missed her flight. Respondent agreed to appear for her deposition on March 5, 2008.

10. Respondent appeared for her March 5, 2008 deposition, but did not bring all records responsive to the subpoena duces tecum. During her deposition, Respondent agreed to go to her Kirkland, Washington, office immediately after the deposition to obtain client billing/accounting statements and deposit slips for her trust account.

11. Respondent did not produce any additional records after her March 5, 2008 deposition.

12. On May 19, 2008, the Association's Audit Manager sent Respondent a letter requesting information and records. Attached as Exhibit D is a true and correct copy of the Audit Manager's May 19, 2008 letter.

13. Respondent did not provide the information or records requested by the Audit Manager's May 19, 2008 letter. Based on a review of the Association's records, it is my understanding that the Audit Manager left a voice mail message for Respondent on May 30, 2008. In response, Respondent telephoned the Audit Manager on June 10, 2008 and

agreed to fax her response on June 13, 2008. When Respondent did not fax her response, the Audit Manager left another voice mail message for Respondent on July 8, 2008. Respondent did not respond.

14. On August 7, 2008, the Association sent Respondent a letter requiring her written response to the Audit Manager's May 19, 2008 letter within 10 days or the Association would subpoena Respondent for a non-cooperation deposition. Attached as Exhibit E are true and correct copies of the Association's August 7, 2008 letter and the certified mail receipt.

15. On August 27, 2008, Respondent telephoned disciplinary counsel and indicated that she had prepared a partial response, which she expected to finish later that day. Respondent agreed to fax her response and records to the Association on August 28, 2008.

16. Respondent did not fax, or otherwise deliver, her response or records to the Association.

17. On September 11, 2008, the Association issued a subpoena duces tecum for Respondent's non-cooperation deposition, but was unsuccessful in having Respondent personally served with the subpoena.

18. On October 1, 2008, the Association issued another subpoena duces tecum for Respondent's non-cooperation deposition. The Association mailed the subpoena to Respondent and requested that she sign and return an acknowledgment of service.



19. Respondent did not return the acknowledgment of service. However, on October 15, 2008, Respondent left a voice mail at the Association indicating that she planned to hire counsel who would be available to represent her in a deposition starting the first or second week of November.

20. Counsel did not appear on behalf of Respondent.

21. On January 7, 2009, the Association issued another subpoena duces tecum for Respondent's non-cooperation deposition. The Association arranged for Respondent to be personally served, but the process server was unable to locate Respondent in Washington.

22. To date, Respondent has not responded to the Audit Manager's May 19, 2008 letter or produced the records that she agreed to produce at her March 5, 2008 deposition.

**Grievance filed by J. Scott Pettet, WSBA File No. 08-00778**

23. On May 12, 2008, J. Scott Pettet (Pettet) filed a grievance against Respondent. Respondent submitted a written response to the grievance after being served with a letter requiring her response within 10 days or the Association would subpoena her for a non-cooperation deposition.

24. On July 28, 2008, the Association sent Respondent and Pettet a letter requesting additional information and records. Respondent did not respond.

25. On September 11, 2008, the Association sent Respondent a letter requiring her response to the Association's July 28, 2008 letter within 10 days or the Association would subpoena her for a non-cooperation deposition (10-day letter). On September 23, 2008, Respondent submitted a letter and some records to the Association.

26. On September 29, 2008, the Association sent Respondent a letter requesting clarification of the records provided and additional information. Attached as Exhibit F is a true and correct copy of the Association's September 29, 2008 letter.

27. Respondent did not respond to the Association's September 29, 2008 letter. Therefore, on December 9, 2008, the Association sent Respondent a 10-day letter requiring Respondent's written response and records by December 22, 2008 or the Association would subpoena Respondent for a non-cooperation deposition. Attached as Exhibit G is a true and correct copy of the Association's December 9, 2008 letter and the certified mail receipt. Respondent did not provide a written response or additional records.

28. On January 7, 2009, the Association issued a subpoena duces tecum for Respondent's non-cooperation deposition, but was unsuccessful in having Respondent personally served with the subpoena.

**Grievance Filed by Rachel Ingemi, WSBA File No. 08-01565**

29. On October 14, 2008, Rachel Ingemi (Ingemi) filed a grievance against Respondent, her former lawyer.

30. On October 16, 2008, the Association sent Respondent a letter and a copy of Ingemi's grievance requesting Respondent's written response within two weeks. Attached as Exhibit H are true and correct copies of the Association's October 16, 2008 letter and Ingemi's grievance.

31. Respondent did not submit a written response to Ingemi's grievance. Therefore, on November 21, 2008, the Association sent Respondent a letter requiring Respondent's written response within 10 days or the Association would subpoena Respondent for a non-cooperation deposition. Attached as Exhibit I are true and correct copies of the Association's November 21, 2008 letter and the certified mail receipt.

32. Respondent did not submit a written response to Ingemi's grievance. Therefore, on December 11, 2008, the Association issued a subpoena duces tecum scheduling Respondent's deposition for January 15, 2009. Attached as Exhibit J are true and correct copies of the Association

December 11, 2008 letter to Respondent, subpoena duces tecum, and the certified mail receipt.

33. The Association arranged for Respondent to be personally served with the December 11, 2008 subpoena duces tecum by Seattle Legal Messenger Services, LLC. Attached as Exhibit K is a true and correct copy of an Affidavit of Service indicating that Respondent was personally served with the subpoena duces tecum on December 15, 2008. The Association also mailed the subpoena to Respondent by certified mail. See Exhibit J (certified mail receipt).

34. Two days before Respondent's January 15, 2009 deposition, Respondent left a voice mail message at the Association indicating that she had to be in court in Boundary County, Idaho, on January 15, 2009. Based on Respondent's request, the Association agreed to continue Respondent's deposition to January 22, 2009. Attached as Exhibit L is a true and correct copy of disciplinary counsel's January 15, 2009 letter to Respondent.

35. On January 21, 2009, Respondent telephoned disciplinary counsel indicating that she could not attend her January 22, 2009 deposition because she had to be in court in Idaho. Based on Respondent's request, the Association agreed to continue Respondent's deposition to January 23, 2009.

36. On January 22, 2009, Respondent telephoned disciplinary counsel indicating that she could not attend her January 23, 2009 deposition because she had to return to court in Idaho.

**February 19, 2009 Deposition – Trust Account, Pettet, and Ingemi Grievances**

37. The Association agreed to continue Respondent's January 23, 2009 deposition providing Respondent acknowledge service of subpoenas duces tecum for her deposition in each of the three above-referenced grievances. Respondent signed and returned acknowledgments of service for her deposition to be taken on February 19, 2009 at 9:00 a.m. (Trust Account), 1:30 p.m. (Pettet), and 2:30 p.m. (Ingemi). Attached as Exhibit M are true and correct copies of the Association's January 22, 2009 letter to Respondent, subpoenas duces tecum, and Respondent's signed acknowledgments of service.

38. On February 19, 2009, disciplinary counsel and a court reporter waited until 9:47 a.m. for Respondent to appear for her 9:00 a.m. deposition. Respondent did not appear for her deposition or submit any records in response to the subpoena duces tecum. Before terminating the deposition, disciplinary counsel arranged for her assistant to check disciplinary counsel's voice mail, facsimile machine, and to telephone Respondent's office. Respondent did not leave any voice mail messages for dis-

ciplinary counsel or send any facsimiles. It is disciplinary counsel's understanding that Respondent was not in her office when disciplinary counsel's assistant telephoned Respondent's business number.

39. Respondent did not appear at the times scheduled for her depositions in the Pettet and Ingemi grievances or submit any records in response to the subpoenas duces tecum. To date, Respondent has not submitted a written response to Ingemi's grievance.

I certify under penalty of perjury under the laws of the State of Washington that the foregoing is true and correct.

3/6/09 Seattle WA  
Date & Place

Marsha Matsumoto  
Marsha Matsumoto, Bar No. 15831  
Senior Disciplinary Counsel

# EXHIBIT A



# WSBA

OFFICE OF DISCIPLINARY COUNSEL

Marsha Matsumoto  
Senior Disciplinary Counsel

Trina Doty  
Audit Manager  
direct line: 206-727-8242

December 6, 2007

**REQUEST FOR RESPONSE**  
**TRUST ACCOUNT OVERDRAFT NOTIFICATION**  
**WSBA File No. 07-01974**

Fiona A. Crinks Kennedy  
Attorney at Law  
10829 NE 68th St. Ste. C  
Kirkland, WA 98033-4006

Dear Ms. Kennedy:

Enclosed is a copy of a Trust Account Overdraft Notice received by the Association. This matter has been assigned to me for investigation. Pursuant to Rule 15.4(d) of the Rules for Enforcement of Lawyer Conduct (ELC), please provide a complete explanation of the overdraft. A copy of ELC 15.4 is enclosed for your information. Please provide supporting documentation with your explanation.

This request for a response does not mean that we have made any conclusion regarding this overdraft notice. However, we are required to make this inquiry in order to comply with our responsibilities to the Supreme Court of the State of Washington.

The Rules for Enforcement of Lawyer Conduct govern grievances, including trust account overdrafts. You may want to familiarize yourself with these rules. The enclosed copy of ELC 5.3 states the obligations of a respondent lawyer, including the duty to promptly respond to this request. We would appreciate receiving your written response within two weeks of the date of this letter.

Please direct your response to my attention.

Very Truly Yours,

A handwritten signature in cursive script, appearing to read "Trina Doty".

Trina Doty  
Audit Manager

Enclosures: overdraft notice  
ELC 15.4 & 5.3



Insufficient Funds Notice  
Date: October 10, 2007  
Page 1 of 1  
780-4551773

FIONA A CRINKS-KENNEDY  
DBA LAW OFFICE FIONA KENNEDY  
1119 E SHERMAN AVE  
COEUR D ALENE ID 83814-4154

-----  
RE: ACCOUNT #780-4551773

Dear Wells Fargo Customer:

The items listed below were presented for payment on 10/09/07. We either paid or returned them as shown.

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P  

| Item        | Item Amount | Action |
|-------------|-------------|--------|
| 00000000000 | \$8,000.00  | Paid   |
| Fee         | \$34.00     |        |

Please deposit \$8,039.00 to cover the paid items (if any) and fees immediately. Please also deposit the amount needed to cover any other outstanding withdrawals. If you have already taken care of this, please disregard this letter. However if you have not, we encourage you to do so immediately. Please see the Fee and Information Schedule that applies to your account to determine whether your account is subject to a continuous overdraft fee. In the event this overdraft is not resolved the Bank will close and charge-off your account no earlier than 30 days from the date your account first became overdrawn. The Bank reserves the right to close and/or charge-off your account at an earlier date as permitted by law.

If you have any questions about your account, call: 800-225-5935.  
Or write: WELLS FARGO BANK, N.A., P.O. BOX 6995, PORTLAND, OR 97228-6995.

You can avoid the inconvenience and expense of being overdrawn or having checks returned by signing up for overdraft protection. Please visit your local Wells Fargo store or contact us at the number or address listed above for more details.

Thank you for your prompt attention to this matter.  
The laws of some states require us to inform you that this is an attempt to collect a debt and any information obtained will be used for that purpose.



# EXHIBIT B



# WSBA

## OFFICE OF DISCIPLINARY COUNSEL

Marsha Matsumoto  
Senior Disciplinary Counsel

Cheryl Heuett  
Auditor  
(206) 733-5937

January 8, 2008

CERTIFIED RETURN RECEIPT NO. 7003 2260 0001 6610 9739

Fiona A. Crinks Kennedy  
Attorney at Law  
10829 NE 68<sup>th</sup> St., Ste. C  
Kirkland, WA 98033-4006

Re: Trust Account Overdraft  
WSBA File No. 07-01974

Dear Ms. Kennedy:

On December 6, 2007, we asked you to provide to our Auditor a written response as to the circumstances of the above referenced overdraft. To the best of my knowledge, your response, which is required by Rule 5.3 of the Rules for Enforcement of Lawyer Conduct (ELC), has not been received. The Association has also received a second Trust Account Overdraft Notice (enclosed).

Under ELC 5.3(e), you must file a written response explaining the circumstances of these overdrafts within ten days after service of this letter, i.e., on or before January 21, 2008. If we do not receive your response within the ten-day period, we will subpoena you for a deposition. If we must serve a subpoena, you will be liable for the costs of the deposition, including service of process, and attorney fees of \$500. ELC 5.3(f)(2).

You should be aware that failing to respond is, in itself, grounds for discipline and may subject you to interim suspension under ELC 7.2(a)(3).

Please direct your response to our Auditor, Cheryl Heuett. If you need an extension of time, please contact me to discuss the matter.

Sincerely yours,

Marsha Matsumoto  
Senior Disciplinary Counsel

Enc.

### CERTIFICATE OF SERVICE

I CERTIFY THAT I CAUSED A COPY OF THE FOREGOING LETTER TO BE MAILED TO Fiona A. Crinks Kennedy, RESPONDENT AT 10829 NE 68<sup>th</sup> St., Ste. C, Kirkland, WA 98033-4006, CERTIFIED MAIL, POSTAGE PREPAID, ON THE 8<sup>th</sup> DAY OF January, 2008.

  
DISCIPLINARY COUNSEL

| SENDER: COMPLETE THIS SECTION  |  | COMPLETE THIS SECTION ON DELIVERY   |  |
|--|--|---|--|
| <p>■ Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.</p> <p>■ Print your name and address on the reverse so that we can return the card to you.</p> <p>■ Attach this card to the back of the mailpiece or on the front if space permits.</p> |  | <p>A. Signature <input checked="" type="checkbox"/> Agent <input checked="" type="checkbox"/> Addressee</p> <p>x <i>[Signature]</i></p>   |  |
| <p>1. Article Addressed to:</p> <p><i>Fiona A. Clinks Kennedy</i><br/> <i>Attorney at Law</i><br/> <i>10829 NE 68th St. Ste. C</i><br/> <i>Kirkland, WA</i><br/> <i>78033-4006</i></p>   |  | <p>B. Received by (Printed Name) C. Date of Delivery</p> <p><i>EVA WATSON</i> <i>1-10-08</i></p>  |  |
|  |  | <p>D. Is delivery address different from item 1? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p> <p>If YES, enter delivery address below:</p>   |  |
|  |  | <p>3. Service Type</p> <p><input checked="" type="checkbox"/> Certified Mail <input type="checkbox"/> Express Mail</p> <p><input type="checkbox"/> Registered <input checked="" type="checkbox"/> Return Receipt for Merchandise</p> <p><input type="checkbox"/> Insured Mail <input type="checkbox"/> C.O.D.</p> |  |
| <p>2. Article Number</p> <p>(transfer from service label)</p>  |  | <p>4. Restricted Delivery? (Extra Fee) <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p>  |  |
| <p>7003 2260 0001 6610 9739</p>  |  |   |  |
| PS Form 3811, February 2004  |  | Domestic Return Receipt 102595-02-M-1540  |  |

|                                     |                  |               |                         |                        |   |                    |       |        |   |            |   |     |   |            |       |
|-------------------------------------|------------------|---------------|-------------------------|------------------------|---|--------------------|-------|--------|---|------------|---|-----|---|------------|-------|
| XRC043                              | COMPANY-ID 00120 | PROC GRP PG14 | 0                       | WELLS FARGO BANK, N.A. | OVERDRAWN IOLTA/ATTORNEY TRUST ACCOUNTS | RUN DATE 107/12/10 | 13:11 | PAGE 1 |   |            |   |     |   |            |       |
| ACCOUNT NUMBER                      | 7804551773       | ACCOUNT NAME  | FIONA A. CRINKS-KENNEDY | ACCOUNT BALANCE        | 39.00                                   | RET ITEMS          | 0     | NUM    | 1 | PAID ITEMS | 0 | NUM | 1 | CHARGE AMT | 34.00 |
| END OF REPORT XRC043                |                  |               |                         |                        |   |                    |       |        |   |            |   |     |   |            |       |
| RECEIVED                            |                  |               |                         |                        |   |                    |       |        |   |            |   |     |   |            |       |
| DEC 24 2007                         |                  |               |                         |                        |   |                    |       |        |   |            |   |     |   |            |       |
| WSBA OFFICE OF DISCIPLINARY COUNSEL |                  |               |                         |                        |   |                    |       |        |   |            |   |     |   |            |       |

Insufficient Funds Notice  
 December 10, 2007  
 Page 1 of 1  
 780-4551773

FIONA A CRINKS-KENNEDY  
 DBA LAW OFFICE FIONA KENNEDY  
 1119 E SHERMAN AVE  
 COEUR D ALENE ID 83814-4154

RE: ACCOUNT #780-4551773

Dear Wells Fargo customer:

Unfortunately, on 12/07/2007 your available account balance was too low to cover one or more of your checks, check card purchases, or other transactions. Please refer to the list below to see if transactions were paid or returned and for the total fees charged to your account.

| Transaction Description | Amount   | Action | Fee     |
|-------------------------|----------|--------|---------|
| CHECK # 00000           | \$560.00 | Paid   | \$34.00 |
| Total Fee(s):           |          |        | \$34.00 |

If you have already taken care of this overdraft, thank you. If not, please follow the steps below to determine how much you need to deposit.

1. Review your current available balance. It can be obtained 24 hours a day, 7 days a week through Online Banking, any Wells Fargo ATM or by calling National Business Banking Center.

2. Take into account

5 Your pending transactions and any additional transactions that have not yet been deducted from your available balance, such as checks you have written or scheduled upcoming automatic payments.

5 Any transactions that have been returned because you did not have enough money in your account at that time; they may be resubmitted for payment by the person or party who received the payment from you.

3. Deposit enough money to establish and maintain a positive account balance. A deposit of at least \$39.00, plus \$34.00 in fees, would have been required to make your account balance positive at the time we sent this notice.

Please note, in the event this overdraft is not resolved after 30 days from the date it first became overdrawn, we will close and charge off your account. A charge-off can harm your credit rating. We reserve the right to close and/or charge-off your account at an earlier date, as permitted by law. The laws of some states require us to inform you that this is an attempt to collect a debt and any information obtained will be used for that purpose.

Call the National Business Banking Center at 1-800-CALL-WELLS (1-800-225-5935) or write to Wells Fargo Bank, N.A., National Business Banking Center, Executive Office, P.O. Box 340214, Sacramento, CA 95834 if you have questions or need help.

To avoid overdrafts in the future, monitor your available account balance carefully and record all your transactions. You can also protect yourself by signing up for an Overdraft Protection plan\*. Call today to discuss your options.

Thank you for choosing Wells Fargo. We appreciate your business.

\* Overdraft protection is available on most products. Please refer to the Wells Fargo Business Fee and Information Schedule for details.

# EXHIBIT C





# WSBA

OFFICE OF DISCIPLINARY COUNSEL

Marsha Matsumoto  
Senior Disciplinary Counsel

direct line: (206) 727-8233  
fax: (206) 727-8325

February 15, 2008

VIA FIRST CLASS AND CERTIFIED MAIL RECEIPT NO. 7006 2150 0000 7572 0637

Fiona A. Crinks Kennedy  
Attorney at Law  
10829 NE 68th St Ste C  
Kirkland, WA 98033-4006

Re: Grievance against lawyer Fiona A. Crinks Kennedy  
WSBA File No. 07-01974

Dear Ms. Kennedy:

Enclosed is a subpoena duces tecum compelling your attendance at a deposition in accordance with Rules 5.5 and 5.3(f) of the Rules for Enforcement of Lawyer Conduct (ELC). The subpoena has been issued because of your failure or refusal to cooperate with this investigation. We attempted to personally serve you, but were unsuccessful in locating you in Washington State. We also left a telephone message for you on February 13, 2008, but have not received a response. We are, therefore, serving you by certified mail at your address on file with the Association. ELC 4.1(b)(3)(B). As you already have been informed, you will be liable for the costs associated with the deposition, including service of the subpoena, court reporter charges, and a \$500 attorney fee.

We wish to avoid any further delay in the completion of this investigation. Accordingly, we will not cancel or continue the deposition unless disciplinary counsel so confirms in writing. Absent a written confirmation of cancellation or continuance, your appearance at the deposition in our offices on **March 4, 2008 at 10:00 a.m.** is mandatory. If you fail to appear, we may treat your failure to appear as a violation of disciplinary rules, we may refer this grievance to Review Committee with a recommendation of a public disciplinary hearing without your response, and we may petition the Washington Supreme Court for your immediate interim suspension from the practice of law under ELC 7.2(a)(3).

Finally, we strongly encourage you to provide records responsive to the subpoena at least three business days before your deposition to reduce the time spent at your deposition making copies

Fiona A. Crinks Kennedy

February 15, 2008

Page 2

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of and reviewing the documents. If you have any questions, please contact me at 206-727-8233.

Sincerely,

A handwritten signature in cursive script, appearing to read "Marsha Matsumoto".

Marsha Matsumoto  
Senior Disciplinary Counsel

Enclosure

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7 BEFORE THE  
8 DISCIPLINARY BOARD  
9 OF THE  
WASHINGTON STATE BAR ASSOCIATION

10 In re

11 FIONA A. CRINKS KENNEDY,  
12 Lawyer (Bar No. 32385)

WSBA File No. 07-01974

SUBPOENA DUCES TECUM

13  
14  
15 THE STATE OF WASHINGTON TO: Fiona A. Crinks Kennedy

16 YOU ARE HEREBY COMMANDED under Rules 5.5 and 5.3(f) of the Rules  
17 for Enforcement of Lawyer Conduct (ELC) to be and appear at the Washington State Bar  
18 Association offices, 1325 Fourth Avenue, Suite 600, Seattle, WA, 98101, on **March 4,**  
19 **2008, at 10:00 a.m.,** to testify in investigatory proceedings being conducted by the  
20 Washington State Bar Association.

21 YOU ARE FURTHER COMMANDED to bring the following with you at the  
22 above time:

- 23 1. Your complete trust account records from the period August 1, 2007 to present  
24 including, but not limited to, bank statements, bank statement reconciliations,  
25 check registers, client ledgers, client ledger reconciliations, cancelled checks,  
26 checks returned for insufficient funds, deposit slips, deposit items, and/or any  
27

1 deposit items that did not clear.

- 2 2. All records relating to the overdrafts that occurred in your trust account on or  
3 about October 9, 2007 and/or December 7, 2007, including, but not limited to;  
4 records demonstrating entitlement to withdraw the funds that triggered the  
5 overdraft(s), records relating to the cause(s) of the overdrafts, and/or records  
6 relating to any action taken to correct the overdrafts.

7 DATED this 15<sup>th</sup> day of February, 2008.  
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11 Marsha Matsumoto, Bar No. 15831  
12 Senior Disciplinary Counsel  
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# SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

Fiona A. Crinks Kennedy  
10829 NE 68th St Ste C  
Kirkland, WA 98033-4006

07-01974

2. Article Number  
(Transfer from service label)

7006 2150 0000 7572 0637

PS Form 3811, February 2004

Domestic Return Receipt

102595-02-M-1540

# COMPLETE THIS SECTION ON DELIVERY

A. Signature ☐ Agent  
☒ Addressee

B. Received by (Printed Name) C. Date of Delivery  
Eva Watson 2-25-08

D. Is delivery address different from item 1? ☐ Yes  
If YES, enter delivery address below: ☐ No

3. Service Type  
☒ Certified Mail ☐ Express Mail  
☐ Registered ☒ Return Receipt for Merchandise  
☐ Insured Mail ☐ C.O.D.

4. Restricted Delivery? (Extra Fee) ☐ Yes

# EXHIBIT D



# WSBA

Rita Woolworth, CPA  
Audit Manager

direct line: 206-727-8242  
fax: 206-727-8325  
e-mail: ritaw@wsba.org

May 19, 2008

Fiona A. Crinks Kennedy  
Attorney at Law  
10829 NE 68<sup>th</sup> St Ste C  
Kirkland, WA 98033-4006

Re: Grievance of WSBA against Fiona Crinks Kennedy  
WSBA File No. 07-01974

Dear Ms. Crinks Kennedy:

In response to the subpoena sent to Wells Fargo Bank, we received bank account information for the time period November 13, 2007 through February 12, 2008. We have reviewed the information and have the following questions or need additional information regarding your trust account with Wells Fargo Bank account #780-4551773:

1. There were deposits and checks from On-the-Job Injuries. Please describe which case each payment or deposit related to. Who was the client?

- check on 12/18/07 for \$4,000
- deposit on 12/20/07 for \$150
- check returned on 12/20/07 for \$4,000
- check #1033 on 12/21/07 for \$4,000
- check on 12/21/07 for \$14,850

2. There were 2 withdrawals identified as made to you –

- withdrawal on 12/21/07 for \$1,200
- withdrawal on 12/24/07 for \$1,300

Which client funds did these withdrawals come from?

2. There were checks that could not be identified from the documents provided. Please state who received the check and from which client trust funds:

- 2/28/08 for \$1,000
- 3/19/08 for \$19,013.33
- 3/26/08 for 11,606.14
- 4/2/08 for \$6,073.77

Please also provide a detail on how the settlement proceeds of \$50,000 for Amie Drammeh were disbursed, along with a summary on how the \$7,309 for Mark Hawkins was disbursed. In both cases, please provide the summary of how the funds were disbursed.

Did the clients receive an accounting of who received the settlement money? If so, please provide the correspondence sent to the clients. If they did not receive an accounting, please so state.

*Working Together to Champion Justice*

Regarding the new trust account with Bank of America, please provide the following

1. Bank statements from inception through April, 2008
2. Bank reconciliations from inception through April, 2008
3. Check register from inception to May 22, 2008

I would like to receive the information above by May 27, 2008. Please don't hesitate to contact me if you have any questions.

Sincerely,

A handwritten signature in black ink, appearing to read "Rita Woolworth", with a long horizontal flourish extending to the right.

Rita Woolworth,  
Audit Manager



# EXHIBIT E



# WSBA

## OFFICE OF DISCIPLINARY COUNSEL

Marsha Matsumoto  
Senior Disciplinary Counsel

Rita Woolworth  
Audit Manager  
(206) 727-8242

August 7, 2008

CERTIFIED RETURN RECEIPT NO. 7003 2260 0001 6610 9715

Fiona A. Crinks Kennedy  
Attorney at Law  
10829 NE 68th St Ste C  
Kirkland, WA 98033-4006

Re: Trust Account Overdraft  
WSBA File No. 07-01974

Dear Ms. Kennedy:

On May 19, 2008, we asked you to provide additional information to our Audit Manager as to the circumstances of the above referenced overdraft. To the best of my knowledge, your response, which is required by Rule 5.3 of the Rules for Enforcement of Lawyer Conduct (ELC), has not been received.

Under ELC 5.3(e), you must file a written response explaining the circumstances of this overdraft within ten days after service of this letter, i.e., on or before August 20, 2008. If we do not receive your response within the ten-day period, we will subpoena you for a deposition. If we must serve a subpoena, you will be liable for the costs of the deposition, including service of process, and attorney fees of \$500. ELC 5.3(f)(2).

You should be aware that failing to respond is, in itself, grounds for discipline and may subject you to interim suspension under ELC 7.2(a)(3).

Please direct your response directly to our Audit Manager, Rita Woolworth. If you need an extension of time, please feel free to contact me to discuss the matter.

Sincerely yours,

A handwritten signature in cursive script, appearing to read "Marsha Matsumoto".

Marsha Matsumoto  
Senior Disciplinary Counsel

### CERTIFICATE OF SERVICE

I CERTIFY THAT I CAUSED A COPY OF THE FOREGOING LETTER TO BE MAILED TO Fiona A. Crinks Kennedy RESPONDENT AT 10829 NE 68<sup>th</sup> St Ste C, Kirkland, WA 98033-4006, CERTIFIED MAIL, POSTAGE PREPAID, ON THE 7<sup>th</sup> DAY OF August, 2008.

A handwritten signature in cursive script, appearing to read "Marsha Matsumoto".  
DISCIPLINARY COUNSEL

**SENDER: COMPLETE THIS SECTION**

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

## 1. Article Addressed to:

Fiona A. Crinks Kennedy  
Attorney at Law  
10829 NE 68th St. Sk. C  
Kirkland, WA

98033-4006

**COMPLETE THIS SECTION ON DELIVERY**

## A. Signature

x

*Eva M. Watson*

☐ Agent☐ Addressee

## B. Received by (Printed Name)

*Eva Watson*

## C. Date of Delivery

*8/8/08*

D. Is delivery address different from item 1? ☐ YesIf YES, enter delivery address below: ☐ No

## 3. Service Type

☒ Certified Mail☐ Express Mail☐ Registered☒ Return Receipt for Merchandise☐ Insured Mail☐ C.O.D.

## 4. Restricted Delivery? (Extra Fee)

☐ Yes

## 2. Article Number

(Transfer from service label)

7003 2260 0001 6610 9715

# **EXHIBIT F**



# WSBA

OFFICE OF DISCIPLINARY COUNSEL

Marsha Matsumoto  
Senior Disciplinary Counsel

direct line: (206) 727-8233  
fax: (206) 727-8325

September 29, 2008

Fiona A. C. Kennedy  
Attorney at Law  
10829 NE 68th St Ste C  
Kirkland, WA 98033-4006

Re: Grievance of J. Scott Petett against Fiona A. C. Kennedy  
WSBA File No. 08-00778

Dear Ms. Kennedy:

We received your facsimile dated September 22, 2008, including a September 19, 2008 letter to the Association, an Agreement to Hire Attorney, and a February 23, 2008 document apparently signed by Ralph Sabiano. Your facsimile indicates that it is your response to the Association's July 28, 2008 and September 11, 2008 letters; however, your response does not appear to be complete.

The Association's July 28, 2008 letter also requested your client ledger for Mr. Sabiano and "all records relating to and/or referencing the client's treatment by Mr. Petett and/or the client's account with Mr. Petett (such records include, but are not limited to, correspondence, invoices, notes of conversations, and financial records)." You did not provide a client ledger for Mr. Sabiano. Furthermore, it is unclear, whether you provided all records relating to and/or referencing Mr. Sabiano's treatment by Mr. Petett and/or Mr. Sabiano's account with Mr. Petett.

I left a telephone message for you on Friday, September 26, 2008. If you have questions about the records requested, please call me. Otherwise, provide the records to our office within one week of the date on this letter. If you do not have any other records within your possession or control that are responsive to our July 28, 2008 letter, please advise us in writing. Finally, please provide an address, telephone number, and e-mail address for Mr. Sabiano.

Sincerely,

A handwritten signature in cursive script that reads "Marsha Matsumoto".

Marsha Matsumoto  
Senior Disciplinary Counsel

cc: J. Scott Petett

# EXHIBIT G



WSBA  
OFFICE OF DISCIPLINARY COUNSEL

Marsha Matsumoto  
Senior Disciplinary Counsel

direct line: (206) 727-8233  
fax: (206) 727-8325

December 9, 2008

CERTIFIED RETURN RECEIPT NO. 7006 2150 0000 7572 8190

Fiona A. C. Kennedy  
Attorney at Law  
10829 NE 68th St Ste C  
Kirkland, WA 98033-4006

Re: Grievance of J. Scott Petett against Fiona A. C. Kennedy  
WSBA File No. 08-00778

Dear Ms. Kennedy:

On September 29, 2008, we asked you to provide additional information regarding the above referenced grievance. On October 3, 2008, you informed me during a telephone conversation that you would be sending the information the following week. To the best of my knowledge, your response, which is required by Rule 5.3(e) of the Rules for Enforcement of Lawyer Conduct (ELC), has not been received.

Under ELC 5.3(e), you must file a written response and provide the requested documents within ten days after service of this letter, i.e., on or before December 22, 2008. If we do not receive your response within the ten-day period, we will subpoena you for a deposition. If we must serve a subpoena, you will be liable for the costs of the deposition, including service of process, and attorney fees of \$500. ELC 5.3(f)(2).

You should be aware that failing to respond is, in itself, grounds for discipline and may subject you to interim suspension under ELC 7.2(a)(3).

Sincerely,

Marsha Matsumoto  
Senior Disciplinary Counsel

cc: J. Scott Petett

Fiona A. C. Kennedy  
December 9, 2008  
Page 2

---

**CERTIFICATE OF SERVICE**

I certify that I caused the foregoing letter to be mailed to Fiona A. C. Kennedy, Respondent, at 10829 NE 68th St Ste C, Kirkland, WA 98033-4006, First Class and Certified Mail, Postage Prepaid, on the 9<sup>th</sup> day of December, 2008.



Disciplinary Counsel



**SENDER: COMPLETE THIS SECTION**

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

FIONA A.C. KENNEDY  
10829 NE 68<sup>TH</sup> ST  
STE C  
KIRKLAND WA 98033-4006

2. Article Number

(Transfer from service)

7006 2150 0000 7572 8190

**COMPLETE THIS SECTION ON DELIVERY**

A. Signature

x *Eva Watson*

☐ Agent

☐ Addressee

B. Received by (Printed Name)

*Eva Watson*

C. Date of Delivery

*12/10/08*

D. Is delivery address different from item 1? ☐ Yes

If YES, enter delivery address below:

☐ No

3. Service Type

☒ Certified Mail

☐ Express Mail

☐ Registered

☒ Return Receipt for Merchandise

☐ Insured Mail

☐ C.O.D.

4. Restricted Delivery? (Extra Fee)

☐ Yes

# EXHIBIT H



# WSBA

## OFFICE OF DISCIPLINARY COUNSEL

### Acknowledgment That We Have Received a Grievance

Date: 10/16/2008

WSBA File: 08-01565

#### To the Grievant:

We received your grievance against a lawyer and opened a file with the file number indicated above. We are requesting a written response from the lawyer. You generally have a right to receive a copy of any response submitted by the lawyer. After we review the lawyer's response, if it appears that the conduct you describe is not within our jurisdiction, does not violate the Supreme Court's Rules of Professional Conduct (RPC), or does not warrant further investigation, we will write you a letter to tell you that. If we begin an investigation of your grievance, we will give you our investigator's name and telephone number. If, as a result of an investigation and formal proceeding, the lawyer is found to have violated the RPC, either the Washington State Bar Association Disciplinary Board or the Supreme Court may sanction the lawyer.

Our authority and resources are limited. We are not a substitute for protecting your legal rights. We do not and cannot represent you in legal proceedings. You should consider contacting another lawyer to represent you in any ongoing civil or criminal case or to determine whether other remedies may be available to you. If you believe criminal laws have been broken, you should contact your local police department or prosecuting attorney. There are time deadlines for both civil and criminal proceedings, so you should not wait to take other action.

Please read the enclosed form for additional information about the grievance process. Our office handles a large number of files. We urge you to communicate with us only in writing until we complete our initial review of your grievance. You should hear from us again within four weeks.

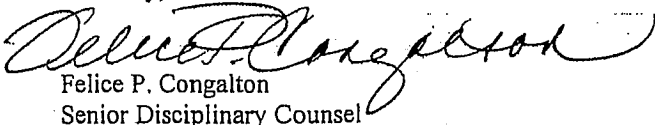
### Request for Lawyer Response

#### To the Lawyer:

Although we have reached no conclusions on the merits of the grievance that has been filed against you, we are requesting your preliminary written response postmarked or delivered to us within two (2) weeks of the date of this letter. Please provide any information you believe is relevant. You must personally assure that all records, files, and accounts related to the grievance are retained until you receive written authorization from us, or until this matter is concluded and all possible appeal periods have expired.

Absent special circumstances, and unless you provide us with reasons to do otherwise, we will forward a copy of your response to the grievant. If the grievant is not your client, or you are providing personal information, please clearly identify any information that you believe we should withhold and we will forward a copy of your redacted response to the grievant, informing the grievant that he or she is receiving a redacted copy. Decisions to withhold information may be considered by a review committee of the Disciplinary Board. The grievance process is governed by the Rules for Enforcement of Lawyer Conduct (ELC). ELC 5.3(e), a copy of which is enclosed with related rules, sets out the obligations of a respondent lawyer, including the duty to promptly file a written response. If you believe further action should be deferred because of pending litigation, please so indicate and explain the basis for your request under ELC 5.3(c)

Sincerely,

  
Felice P. Congalton  
Senior Disciplinary Counsel

Enclosures: Lawyer Discipline in Washington

Original: Grievant: Rachel Ingemi  
cc: Lawyer: Fiona A.C. Kennedy  
(with enclosure and copy of grievance)

# GRIEVANCE AGAINST A LAWYER



RECEIVED

OCT 14 2008

WSBA OFFICE OF  
DISCIPLINARY COUNSEL

Return your completed form to:

Office of Disciplinary Counsel  
Washington State Bar Association  
1325 Fourth Avenue, Suite 600  
Seattle, WA 98101-2539

## GENERAL INSTRUCTIONS

- Read our information sheet *Lawyer Discipline in Washington* before you complete this form, particularly the section about waiving confidentiality.
- Type or write legibly but do not use the back of any page.
- Do not fax your form to us or send your form to us via the Internet.
- If you have a disability or need assistance with filing a grievance, call us at (206) 727-8207. We will take reasonable steps to accommodate you.

## INFORMATION ABOUT YOU

Ingermi Rachel  
Last Name, First Name  
8110 Charlotte Ave  
Address  
Missoula MT 59801  
City, State, and Zip Code  
(406) 241-0040  
Telephone Number (Day/Evening)  
(406) 243-1229  
Alternate address/phone where we can reach you

## INFORMATION ABOUT THE LAWYER

Kennedy, Fiona  
Last Name, First Name  
903 5th Ave Ste 104  
Address  
Kirkland WA 98033  
City, State, and Zip Code  
208-765-0325  
Telephone Number

## INFORMATION ABOUT YOUR GRIEVANCE

Describe your relationship to the lawyer who is the subject of your grievance by checking the box that best describes you:

☒ Client  
☐ Former Client  
☐ Opposing Party

☐ Opposing Counsel  
☐ Judicial  
Other: \_\_\_\_\_

Is there a court case related to your grievance? \_\_\_\_\_ YES ☒ NO

If yes, what is the case name and file number, and who is the lawyer representing you?

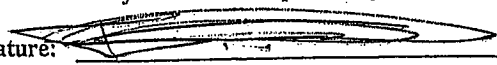
\_\_\_\_\_  
\_\_\_\_\_

Explain your grievance in your own words. Give all important dates, times, places, and court file numbers. Attach additional pages, if necessary. Attach copies (not your originals) of any relevant documents.

my name is Rachel Ingemi and Fiona Kennedy and Irving Rosenberg handled my divorce a couple years ago, so when I decided to move out of state I called her and asked ~~her~~ Fiona how much it would cost and what steps we needed to take to move, this was beginning of Nov. 07, she told me \$500 so I sent a check to her, this check is enclosed in this envelope as you can see with her signature on the back stating she cashed it, it also says on the bottom of the check "to move out of state" we did speak the week before Thanksgiving to get where I wanted to move my boyfriend name, our address and all the family members I have down here, then she told me <sup>she</sup> ~~she~~ would contact me after the holidays to fax me the paperwork, since then I have not heard from her I have ~~often~~ several excuses from her secretary and ~~know~~ the number is disconnected ~~so~~ so she took my money and ran and ~~as a~~ <sup>as a</sup> mother of ~~the~~ 3 I don't have that

AFFIRMATION

I affirm that the information I am providing is true and accurate to the best of my knowledge.

Signature: 

Date: 10/07/08

kind of money, to just throw away, so please if you could get my money back to me some how it would be much appreciated, Sincerely Rachel Ingemi

Updated April 2007

DDA Debits - 11/13/2007 - \$500.00

DDA Debits - 11/13/2007 - \$500.00

# EXHIBIT I



# WSBA

## OFFICE OF DISCIPLINARY COUNSEL

Felice P. Congalton  
Senior Disciplinary Counsel

November 21, 2008

Fiona A.C. Kennedy  
Attorney at Law  
10829 NE 68th St Ste C  
Kirkland, WA 98033-4006

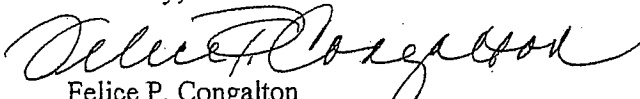
Re: WSBA File: 08-01565  
Grievance filed by Rachel Ingemi

Dear Ms. Kennedy:

We asked you to provide a written response to the above referenced grievance. To the best of our knowledge, your response, which is required by Rule 5.3(e) of the Rules for Enforcement of Lawyer Conduct (ELC), has not been received.

Under ELC 5.3(e), you must file a written response to the allegations of this grievance within ten days after service of this letter, i.e., on or before December 4, 2008. If we do not receive your response within the ten-day period, we will subpoena you for a deposition. If we must serve a subpoena, you will be liable for the costs of the deposition, including service of process, and attorney fees of \$500. ELC 5.3(f)(2). You should be aware that failing to respond is, in itself, grounds for discipline and may subject you to interim suspension under ELC 7.2(a)(3).

Sincerely,

  
Felice P. Congalton  
Senior Disciplinary Counsel

cc: Rachel Ingemi

### CERTIFICATE OF SERVICE

I CERTIFY THAT I CAUSED THE FOREGOING LETTER TO BE MAILED TO THE LAWYER NAMED ABOVE AT 10829 NE 68TH ST STE C, KIRKLAND, WA 98033-4006, CERTIFIED (RETURN RECEIPT NO. 7008 0500 0002 0255-3812) MAIL, POSTAGE PREPAID, ON NOVEMBER 21, 2008.

  
FELICE P. CONGALTON  
SENIOR DISCIPLINARY COUNSEL



**SENDER: COMPLETE THIS SECTION**

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

## 1. Article Addressed to:

Fiona A.C. Kennedy  
10829 NE 68th St. Ste. C  
Kirkland WA 98033-4006

2. Article Number  
(Transfer from s)

7008 0500 0002 0255 3812

**COMPLETE THIS SECTION ON DELIVERY**A. Signature  ☐ Agent ☒ Addressee

B. Received by (Printed Name)


Fiona A.C. Kennedy

C. Date of Delivery

11/24/02

D. Is delivery address different from item 1? ☐ Yes  
If YES, enter delivery address below: ☒ No

## 3. Service Type

☒ Certified Mail ☐ Express Mail  
☐ Registered ☒ Return Receipt   
☐ Insured Mail ☐ C.O.D.

## 4. Restricted Delivery? (Extra Fee)

☐ Yes

# EXHIBIT J



# WSBA

OFFICE OF DISCIPLINARY COUNSEL

Marsha Matsumoto  
Senior Disciplinary Counsel

direct line: (206) 727-8233  
fax: (206) 727-8325

December 11, 2008

**Via Personal Service and Certified Mail Return Receipt No. 7006 2150 0000 7572 8183**

Fiona A. C. Kennedy  
Attorney at Law  
10829 NE 68th St Ste C  
Kirkland, WA 98033-4006

Re: Grievance of Rachel Ingemi against lawyer Fiona A. C. Kennedy  
WSBA File No. 08-01565

Dear Ms. Kennedy:

Enclosed is a subpoena duces tecum compelling your attendance at a deposition in accordance with Rules 5.5 and 5.3(f) of the Rules for Enforcement of Lawyer Conduct (ELC). The subpoena has been issued because of your failure or refusal to cooperate with this investigation. As you already have been informed, you will be liable for the costs associated with the deposition, including service of the subpoena, court reporter charges, and a \$500 attorney fee.

We wish to avoid any further delay in the completion of this investigation. Accordingly, we will not cancel or continue the deposition unless disciplinary counsel so confirms in writing. Absent a written confirmation of cancellation or continuance, your appearance at the deposition in our offices on January 15, 2009 at 9:30 a.m. is mandatory. If you fail to appear, we may treat your failure to appear as a violation of disciplinary rules, we may refer this grievance to Review Committee with a recommendation of a public disciplinary hearing without your response, and we may petition the Washington Supreme Court for your immediate interim suspension from the practice of law under ELC 7.2(a)(3).

Sincerely,

Marsha Matsumoto  
Senior Disciplinary Counsel

Enclosure

1  
2  
3  
4  
5  
6 BEFORE THE  
7 DISCIPLINARY BOARD  
8 OF THE  
9 WASHINGTON STATE BAR ASSOCIATION

10 In re

11 Fiona A. C. Kennedy,  
12 Lawyer (Bar No. 32385).

WSBA File No. 08-01565

SUBPOENA DUCES TECUM

13 THE STATE OF WASHINGTON TO: Fiona A. C. Kennedy


14 YOU ARE HEREBY COMMANDED under Rules 5.5 and 5.3(f) of the Rules for  
15 Enforcement of Lawyer Conduct (ELC) to be and appear at the Washington State Bar  
16 Association offices, 1325 4<sup>th</sup> Avenue, Suite 600, Seattle, WA 98101, on January 15, 2009 at  
17 9:30 a.m., to testify in investigatory proceedings being conducted by the Washington State Bar  
18 Association.

19 YOU ARE FURTHER COMMANDED to bring the following with you at the above  
20 time:

21 1. Your complete file and whatever documents may be in your possession or control  
22 relating to your representation of Rachel Ingemi, and all financial records, including trust  
23 account and client ledgers, check registers, canceled checks, and bank statements relating to  
24

1 funds received and/or disbursed in connection with your representation of Ms. Ingemi.

2 Dated this 11<sup>th</sup> day of December, 2008.

3 

4 Marsha Matsumoto, Bar No. 15831  
5 Senior Disciplinary Counsel  
6  
7  
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**SENDER: COMPLETE THIS SECTION**

- Complete Items 1, 2, and 3. Also, complete Item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

FIONA A.C. KENNEDY  
ATTORNEY AT LAW  
10829 NE 68<sup>TH</sup> ST STE C  
KIRKLAND WA 98033-4006

2. Article Number  
(Transfer from service label)

7006 2150 0000 7572 8183

**COMPLETE THIS SECTION ON DELIVERY**

A. Signature

x *Eva Watson*☐ Agent☐ Addressee

B. Received by (Printed Name)

x *Eva Watson*

C. Date of Delivery

x *12/2/08*

D. Is delivery address different from Item 1?

☐ Yes

If YES, enter delivery address below:

☐ No

3. Service Type

☒ Certified Mail☐ Express Mail☐ Registered☒ Return Receipt for Merchandise☐ Insured Mail☐ C.O.D.

4. Restricted Delivery? (Extra Fee)

☐ Yes

# EXHIBIT K

BEFORE THE DISCIPLINARY BOARD OF THE  
WASHINGTON STATE BAR ASSOCIATION

In Re:

FIONA A.C. KENNEDY;

Lawyer (Bar No. 32385).

NO. 08-01565

AFFIDAVIT OF SERVICE

State of Washington )

County of King S/S )

The undersigned, being first duly sworn, on oath deposes and says:

That the undersigned is now and at all times mentioned herein was a citizen of the United States and resident of the State of Washington, over the age of eighteen years, not a party to or interested in the above entitled action, and competent to be a witness therein.

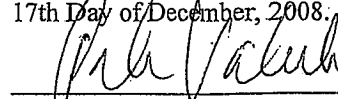
That on **December 15, 2008, at 2:57 PM**, at the address of **10829 NE 68th Street, Suite C, Kirkland, Washington**, affiant duly served **Subpoena** and **Letter** in the above entitled action upon **Fiona A.C. Kennedy** by then and there personally delivering true and correct copies thereof into the hands of and leaving same with **Fiona A.C. Kennedy** (38, white, female, 5'8", heavy build) named witness.

|               |   | Each    | Total          |
|---------------|---|---------|----------------|
| Service       | 1 | \$15.00 | \$15.00        |
| Mileage/Trips | 1 | \$45.00 | \$45.00        |
| Affidavit     | 1 | \$15.00 | \$15.00        |
| Miscellaneous |   | \$0.00  | \$0.00         |
| Miscellaneous |   | \$0.00  | \$0.00         |
|               |   |         | <b>\$75.00</b> |



D. Audino King County #9402780

Subscribed and sworn to me this  
17th Day of December, 2008.



Peter A. Valente- Notary Public in and for the  
State of Washington, residing at Seattle.  
Commission expires June 7, 2012

AFFIDAVIT OF SERVICE - 1

SEATTLE LEGAL MESSENGER SERVICES, LLC  
711 6<sup>TH</sup> AVENUE NORTH #100  
SEATTLE, WA 98109  
(206) 443-0885



# **EXHIBIT L**



# WSBA

OFFICE OF DISCIPLINARY COUNSEL

Marsha Matsumoto  
Senior Disciplinary Counsel

direct line: (206) 727-8233  
fax: (206) 727-8325

January 15, 2009

Fiona A.C. Kennedy  
Attorney at Law  
10829 NE 68th St Ste C  
Kirkland, WA 98033-4006

Re: Grievance of Rachel Ingemi against lawyer Fiona A. C. Kennedy  
WSBA File No. 08-01565

Dear Ms. Kennedy:

This letter confirms that your deposition in the above matter has been rescheduled from January 15, 2009 at 9:30 a.m. to **January 22, 2009 at 9:30 a.m.** in the office of the Washington State Bar Association. The deposition has been rescheduled based on your representation that you have a court hearing in Boundary County, Idaho, on January 15, 2009 at 1:30 p.m. and based on your agreement to appear on January 22, 2009 at 9:30 a.m.

Our records indicate that you were personally served with the subpoena duces tecum for your January 15<sup>th</sup> deposition on December 15, 2008. Our records also indicate that you did not contact our office regarding your scheduling conflict until the afternoon of January 13, 2009, when you left a message on the general Bar Association voice mail.

Your deposition in this matter was scheduled because of your failure or refusal to cooperate with this investigation. As you already have been informed, you will be liable for the costs associated with the deposition, including service of the subpoena, court reporter charges, and a \$500 attorney fee.

We wish to avoid any further delay in the completion of this investigation. Accordingly, we will not cancel or continue the deposition unless disciplinary counsel so confirms in writing. Absent a written confirmation of cancellation or continuance, your appearance at the deposition in our offices on **January 22, 2009 at 9:30 a.m.** is mandatory. If you fail to appear, we may treat your failure to appear as a violation of disciplinary rules, we may refer this grievance to Review Committee with a recommendation of a public disciplinary hearing without your response, and we may petition the Washington Supreme Court for your immediate interim suspension from the practice of law under ELC 7.2(a)(3).

Sincerely,

Marsha Matsumoto  
Senior Disciplinary Counsel

# EXHIBIT M



# WSBA

OFFICE OF DISCIPLINARY COUNSEL

Marsha Matsumoto  
Senior Disciplinary Counsel

direct line: (206) 727-8233  
fax: (206) 727-8325

January 22, 2009

**Via Facsimile to 208-269-7005**

Fiona A. C. Kennedy  
Attorney at Law  
10829 NE 68th St Ste C  
Kirkland, WA 98033-4006

Re: Grievance of WSBA against lawyer Fiona A. C. Kennedy  
Grievance of J. Scott Petett against lawyer Fiona A. C. Kennedy  
Grievance of Rachel Ingemi against lawyer Fiona A.C. Kennedy  
WSBA File Nos. 07-01974, 08-00778, and 08-01565

Dear Ms. Kennedy:

Enclosed are three subpoenas duces tecum compelling your attendance at depositions in accordance with Rules 5.5 and 5.3(f) of the Rules for Enforcement of Lawyer Conduct (ELC). The subpoenas have been issued because of your failure or refusal to cooperate with these investigations. As you already have been informed, you will be liable for the costs associated with the depositions, including service of the subpoenas, court reporter charges, and a \$500 attorney fee.

Also enclosed are acknowledgements of service for each subpoena. Please sign, date, and return the acknowledgments immediately. Providing we receive your signed acknowledgments prior to the start of your deposition scheduled to begin at 9:30 tomorrow (January 23, 2009), we will continue the deposition to February 19, 2009.

We wish to avoid any further delay in the completion of this investigation. Accordingly, we will not cancel or continue the depositions unless disciplinary counsel so confirms in writing. Absent a written confirmation of cancellation or continuance, your appearance at the deposition in our offices on **February 19, 2009 at 9:00 a.m.**<sup>1</sup> is mandatory. If you fail to appear, we may treat your failure to appear as a violation of disciplinary rules, we may refer this grievance to Review Committee with a recommendation of a public disciplinary hearing without your response, and

<sup>1</sup> Please note the earlier time.

COPY

Fiona A. C. Kennedy

January 22, 2009

Page 2

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we may petition the Washington Supreme Court for your immediate interim suspension from the practice of law under ELC 7.2(a)(3).

Sincerely,



Marsha Matsumoto  
Senior Disciplinary Counsel

Enclosures

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7 BEFORE THE  
8 DISCIPLINARY BOARD  
9 OF THE  
WASHINGTON STATE BAR ASSOCIATION

10 In re

11 Fiona A. C. Kennedy,  
12 Lawyer (Bar No. 32385).

WSBA File No. 07-01974

SUBPOENA DUCES TECUM

13  
14 THE STATE OF WASHINGTON TO: Fiona A. C. Kennedy

15 YOU ARE HEREBY COMMANDED under Rules 5.5 and 5.3(f) of the Rules  
16 for Enforcement of Lawyer Conduct (ELC) to be and appear at the Washington State Bar  
17 Association offices, 1325 Fourth Avenue, Suite 600, Seattle, WA, 98101, on February  
18 19, 2009 at 9:00 a.m., to testify in investigatory proceedings being conducted by the  
19 Washington State Bar Association.

20 YOU ARE FURTHER COMMANDED to bring the following with you at the  
21 above time:

22 1. Your complete trust account records for any trust account held at Bank of  
23 America from the time the account was opened through present, including, but not limited  
24 to, bank statements; bank statement reconciliations, check registers, client ledgers, client  
25 ledger reconciliations, cancelled checks, checks returned for insufficient funds, deposit  
26 slips, deposit items, and/or any deposit items that did not clear.  
27


2. For the time period from August 1, 2007 through the present, copies of all clients ledgers and/or billing statements.

3. All records relating to the following transactions on your Wells Fargo Bank Account No. 780-4551773, including records identifying the client(s) for whom the following transactions were made:

- a. 12/18/07 check for \$4,000;
- b. 12/20/07 deposit for \$150;
- c. 12/20/07 returned check for \$4,000;
- d. 12/21/07 check #1033 for \$4,000;
- e. 12/21/07 withdrawal of \$1,200;
- f. 12/24/07 withdrawal of \$1,300;
- g. 12/31/07 check for \$14,850;
- h. 2/28/08 withdrawal of \$1,000;
- i. 3/19/08 check for \$19,013.33;
- j. 3/26/08 withdrawal of \$11,606.14;
- k. 4/2/08 withdrawal of \$6,073.77.

4. All records relating to the disbursement of the following settlement proceeds:  
1) \$50,000 for Arnie Drammeh, and 2) \$7,309 for Mark Hawkins. Records include, but are not limited to, client ledgers, check registers, bank statements, cancelled checks, accounting/settlement statements, and/or correspondence.

DATED this 20 day of January, 2009.

  
Marsha Matsumoto, Bar No. 15831  
Senior Disciplinary Counsel

BEFORE THE  
DISCIPLINARY BOARD  
OF THE  
WASHINGTON STATE BAR ASSOCIATION

In re

File No. 07-01974

Fiona A.C. Kennedy,  
Lawyer (Bar No. 32385).

ACKNOWLEDGMENT OF SERVICE

I, Fiona A.C. Kennedy, hereby acknowledge service of the subpoena requiring me to testify in investigatory proceedings in this matter at the Office of the Washington State Bar Association, 1325 Fourth Avenue-Suite 600, Seattle, Washington 98101-2539, on February 19, 2009 at the hour of 9:00 a.m.

Dated this 23 day of JAN, 2009.

  
Fiona A.C. Kennedy,  
WSBA Bar No. 32385



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5  
6 BEFORE THE  
7 DISCIPLINARY BOARD  
8 OF THE  
9 WASHINGTON STATE BAR ASSOCIATION

10 In re

11 Fiona A. C. Kennedy,  
12 Lawyer (Bar No. 32385).

WSBA File No. 08-00778

SUBPOENA DUCES TECUM

13 THE STATE OF WASHINGTON TO: Fiona A. C. Kennedy

14 YOU ARE HEREBY COMMANDED under Rules 5.5 and 5.3(f) of the Rules for  
15 Enforcement of Lawyer Conduct (ELC) to be and appear at the Washington State Bar  
16 Association offices, 1325 4<sup>th</sup> Avenue, Suite 600, Seattle, WA 98101, on **February 19, 2009** at  
17 **1:30 p.m.**, to testify in investigatory proceedings being conducted by the Washington State Bar  
18 Association.

19 YOU ARE FURTHER COMMANDED to bring the following with you at the above  
20 time:

21 1. Your complete file and whatever documents may be in your possession or control  
22 relating to your representation of Ralph Sabiniano, and all financial records, including trust  
23 account and client ledgers, canceled checks, and bank statements relating to funds received in  
24 connection with your representation of Ralph Sabiniano.

2. All records relating to Mr. Sabiniano's treatment by J. Scott Petett and/or Mr. Sabiniano's account with Mr. Petett (such records include but are not limited to, correspondence, invoices, notes of conversations, and financial records).

Dated this 22<sup>nd</sup> day of January, 2009.

Nashe Natsumoto

Marsha Matsumoto, Bar No. 15831  
Senior Disciplinary Counsel

BEFORE THE  
DISCIPLINARY BOARD  
OF THE  
WASHINGTON STATE BAR ASSOCIATION

In re

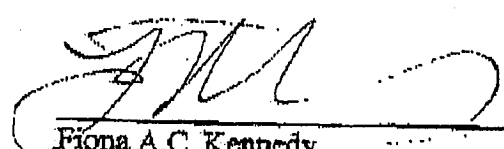
File No. 08-00778

Fiona A.C. Kennedy,  
Lawyer (Bar No. 32385).

ACKNOWLEDGMENT OF SERVICE

I, Fiona A.C. Kennedy, hereby acknowledge service of the subpoena requiring me to testify in investigatory proceedings in this matter at the Office of the Washington State Bar Association, 1325 Fourth Avenue-Suite 600, Seattle, Washington 98101-2539, on February 19, 2009, at the hour of 1:30 p.m.

Dated this 23 day of JAN, 2009.

  
Fiona A.C. Kennedy  
WSBA Bar. No. 32385

1  
2  
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5  
6 BEFORE THE  
7 DISCIPLINARY BOARD  
8 OF THE  
9 WASHINGTON STATE BAR ASSOCIATION

10 In re

11 Fiona A. C. Kennedy,  
12 Lawyer (Bar No. 32385).

WSBA File No. 08-01565

SUBPOENA DUCES TECUM

13 THE STATE OF WASHINGTON TO: Fiona A. C. Kennedy

14 YOU ARE HEREBY COMMANDED under Rules 5.5 and 5.3(f) of the Rules for  
15 Enforcement of Lawyer Conduct (ELC) to be and appear at the Washington State Bar  
16 Association offices, 1325 4<sup>th</sup> Avenue, Suite 600, Seattle, WA 98101, on February 19, 2009 at  
17 2:30 p.m., to testify in investigatory proceedings being conducted by the Washington State Bar  
18 Association.

19 YOU ARE FURTHER COMMANDED to bring the following with you at the above  
20 time:

21 1. Your complete file and whatever documents may be in your possession or control  
22 relating to your representation of Rachel Ingemi, and all financial records, including trust  
23 account and client ledgers, check registers, canceled checks, and bank statements relating to  
24

1 funds received and/or disbursed in connection with your representation of Ms. Ingemi.

2 Dated this 22<sup>nd</sup> day of January, 2009.

3 Marsha Matsumoto

4 Marsha Matsumoto, Bar No. 15831  
5 Senior Disciplinary Counsel

BEFORE THE  
DISCIPLINARY BOARD  
OF THE  
WASHINGTON STATE BAR ASSOCIATION

In re

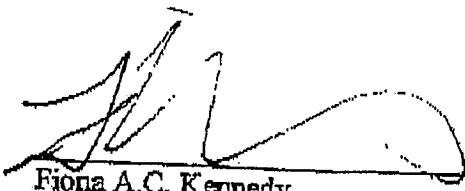
Fiona A.C. Kennedy,  
Lawyer (Bar No. 32385).

File No. 08-01565

ACKNOWLEDGMENT OF SERVICE

I, Fiona A.C. Kennedy, hereby acknowledge service of the subpoena requiring me to testify in investigatory proceedings in this matter at the Office of the Washington State Bar Association, 1325 Fourth Avenue-Suite 600, Seattle, Washington 98101-2539, on February 19, 2009 at the hour of 2:30 p.m.

Dated this 23 day of January, 2009.

  
Fiona A.C. Kennedy,  
WSBA Bar No. 32385